

Notice of Allowability

Application No.

10/699,919

Examiner

Vishu K. Mendiratta

Applicant(s)

BOWLING, STEPHEN

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/25/07 10/22/07 *ju*
2. ☒ The allowed claim(s) is/are 28-34 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Vishu K Mendiratta
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Serbin on 10/31/2007.

The application has been amended as follows:

Bracketed text signifies deletions and underlined text signifies insertions.

Claim 28 has been amended as follows:

28. (currently amended). A method of playing a game comprising the steps of:

- a) providing a plurality of striking spheres, with each player receiving at least one sphere having a visible figure associated with it;
- b) providing an indicia on a substrate, the indicia [associated with the visible figures of the respective ones of the plurality of spheres] describing a value of its corresponding visible figure;
- c) providing a random number generator that comprises at least one die;
- d) placing a first sphere [one of the plurality of spheres] inside a defined playing field; [and then]
- e) a player physically striking the first sphere inside the playing field with a second sphere [one of the plurality of spheres], wherein one of the two contacting spheres is the player's sphere with an associated visible figure;
- f) using the random number generator to generate a number; [and then]

g) using the number together with the indicia to modify the value of the corresponding visible figure of the player's sphere [associated with the visible figure of at least one of the first and second spheres in a dependent manner to determine an outcome] ; and

h) determining an outcome of the strike from the difference between the modified value of the visible figure of the player's sphere and a value of a figure associated with an opponent's sphere.

Claim 31 has been amended as follows:

31. (currently amended). A method of playing a game comprising the steps of:

a) providing a plurality of spheres, with each player receiving at least one sphere having a visible figure associated with it;

b) providing an indicia on a substrate, the indicia describing a value of its corresponding visible figure [the associated with the visible figures of the respective ones of the plurality of spheres];

c) providing a random number generator;

d) placing a first sphere [one of the plurality of spheres] inside a defined playing field;

e) a player launching the second sphere from outside the playing field to physically strike the first sphere, wherein one of the two contacting spheres is the player's sphere with an associated visible figure;

f) using the random number generator to generate a number; [and then]

g) using the number together with the indicia to modify the value of the corresponding visible figure of the player's sphere [associated with the visible

figure of at least one of the first and second spheres to determine an outcome] ; and

h) determining an outcome of the strike from the difference between the modified value of the visible figure of the player's sphere and a value of a figure associated with an opponent's sphere.

2. The following is an examiner's statement of reasons for allowance: None of the cited references either alone or in combination disclose a method of providing a plurality of spheres with each player receiving a sphere with a visible figure and a value associated with it, striking a first sphere, the first sphere being a player's sphere with a second sphere, generating a random number using a random device and using the number to modify the value of the visible figure, and determining an outcome from the difference between the modified value and the a value of a figure of opponent's sphere.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vishu K Mendiratta
Primary Examiner
Art Unit 3711



VKM
November 2, 2007